

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 11-24-72 (Pltf)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>JOSEPH J. SMITH, individually, and as father and next friend of Virginia Lee Smith and Josephine Louise Smith, Minors</p> <p>VS</p> <p>HARDWICK STOVE COMPANY, Incorporated, a corporation</p> <p>vs</p> <p>WHEELING PITTSBURG STEEL CORPORATION, a foreign corporation,</p> <p>Third Party Defendant</p>		<p>For plaintiff:</p> <p>Ben L. Burdick, Clyde Muchmore ²³²⁻⁰⁶⁶¹ Crowe, Dunlevy, Thweatt, Swinford, Johnson & Burdick 1700 Liberty Tower Oklahoma City, Oklahoma 73102</p> <p>J. R. Hall, Jr. Box 888 Miami, Oklahoma 74354</p> <p>For defendant:</p> <p>Jack M. Thomas ⁵⁸²⁻⁸⁸⁷³ 200 Franklin Building Tulsa, Oklahoma 74103</p> <p>Donald G. Hopkins Rucker, Tabor, McBride & Hopkins P. O. Box 1439 Tulsa, Oklahoma (Wheeling Pittsburgh Steel Corp.)</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-1-72	Clerk	11-24-72	Crowe	15 00	
		11-30-72	C.D.No24		15 00
J.S. 6 mailed 2-1-74	Marshal				
Basis of Action: P.I. due to negligence of deft.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-24-72	Complaint, filed. hm	
11-24-72	Praeipe for summons, filed. hm	
12-1-72	Service of Process, filed. John Rogers, Sec. of State, received writ on 11-29-72, and forwarded copy to Deft Corp. on 11-30-72. v	
12-1-72	Marshal's return on service of summons, filed. Served Sec. of State on 11/29/72. (USM \$4.72) rm	
1-9-73	Answer, filed. hm	
1-31-73	Case set for pre-trial hearing 2-14-73 at 10:00 a.m. (LB-J)hm	
2-9-73	Case stricken from pre-trial assignment of 2-14-73, to be reset. (LB-J)hm	
3-15-73	Case set for pre-trial 3-26-73 at 1:30 p.m. (LB-J)hm	
3-20-73	First interrogatories to defendant, filed. hm	
3-20-73	Request for production of documents, filed. hm	
3-26-73	Pre-trial hearing held. Deft. to furnish relevant documents requested by pltf. Pltf. to keep stove in question available. Pltf. to prepare pre-trial order in 10 days and case to be set on jury docket after April. (LB-J)hm	
4-20-73	Defendant's Interrogatories to Plaintiff, filed. jj	
4-20-73	Defendant's Answers to First Interrogatories, filed. jj	
5-14-73	Motion of def. to bring in 3rd pty def., filed, w/copy of 3rd pty complaint attached. rm	
5-22-73	Response and Stipulation of Joseph J. Smith, Individually and as Father and next friend of Virginia Lee Smith and Josephine Louise Smith, Minors, filed. v	
5-31-73	Plaintiff's answers to interrogatories, filed. ds	
5-31-73	Order, filed, that deft's motion to bring in third party deft., The Wheeling Pittsburg Steel Corporation, is granted & third party complaint to be filed immediately & summons issued. (LB-J)hm (copies mailed)	
6-1-73	3rd Pty Complaint, filed. jj 3rd Pty Summons issued.	
6-18-73	Return on U.S. Marshals Service, Summons, filed. Served Wheeling Pittsburg Steel Corp., by serving Corp. Co., on 6-6-73, with fees of \$4.00. v	
6-26-73	Ans. of Third Pty. Deft., Wheeling Pittsburg Steel Corporation, filed. jj	
7-5-73	Case set for pre-trial hearing 7-19-73 at 11:00 a.m. (LB-J)hm	
7-19-73	Pre-trial hearing held. Statements made. Pre-trial order filed in open court. Court grants leave to file amended pre-trial order to include third party deft. Case to be set for jury trial. (LB-J)hm	
7-19-73	Pre-trial order, filed in open court. (LB-J)hm	
8-28-73	Case set for jury trial 10-25-73 at 9:30 a.m. (LB-J)hm	
9-20-73	Case continued from jury trial setting of 10-25-73 and reset on 10-31-73	

(cont)

DATE	PROCEEDINGS	Date Order or Judgment Noted
	at 9:30 a.m. (LB-J)hm	
10-18-73	Case stricken from jury assignment of 10-31-73, to be reset. (LB-J)hm	
10-23-73	Deposition filed, (the Smith's on behalf of the defendant). a	
12-11-73	Case set for jury trial 1-21-74 at 9:30 a.m. (LB-J)hm	
1-18-74	Deposition of Richard Finley, for 3rd party defendant, taken by Harvey W. Stephens, CSR, filed. Fee \$58.75, pd by defendant. ds	
1-21-74	Case tried to a jury Jan 21 & 22. Pre-trial conference held out of hearing of jury. Pre-trial order waived as to third-party deft. Mr. Hopkins moves for dismissal against third-party deft. & motion overruled. Parties announce ready for trial. Jury sworn. Pltfs. Josephine and Virginia Smith excused from presence at trial. At close of pltfs' case, deft. Hardwick moves for directed verdict & deft. Wheeling moves for dismissal. Motion for directed verdict granted, out of hearing of jury. 10:05 a.m. 1-22-74. Jury in courtroom & advised by Court that deft's motion for a directed verdict has been sustained and case dismissed. Jury excused. (10:07 a.m.) (LB-J)hm	
1-22-74	Trial exhibits, filed. hm	
1-29-74	Order for directed verdict, filed, that Hardwick stove company's motion for a Directed verdict is sustained and cause dismissed and judgement entered in favor of deft., Hardwick stove and against the plaintiffs. (L. B.-J) s Copies mailed	

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